



ROBERT E. FREITAS (SBN 80948)
rfreitas@fawlaw.com
DANIEL J. WEINBERG (SBN 227159)
dweinberg@fawlaw.com
FREITAS ANGELL & WEINBERG LLP
350 Marine Parkway, Suite 200
Redwood Shores, CA 94065
Telephone: (650) 593-6300
Facsimile: (650) 593-6301

Attorneys for Plaintiff
MLC INTELLECTUAL PROPERTY, LLC

SEE PAGE 2 FOR ORDER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MLC INTELLECTUAL PROPERTY,
LLC,

Plaintiff,

v.

MICRON TECHNOLOGY, INC.,

Defendant.

Case No. 3:14-cv-03657 SI

**JOINT REPORT REGARDING
INTER PARTES REVIEW**

The Honorable Susan Illston

Pursuant to the Court's July 28, 2015 Order continuing the stay until September 30, 2015 and requiring a joint statement by September 25, 2015 (Dkt. No. 35), MLC Intellectual Property, LLC ("MLC") and Micron Technology, Inc. ("Micron") provide this Joint Report. On August 19, 2015, Micron filed a request with the Patent Trial and Appeal Board (the "Board") of the U.S. Patent and Trademark Office seeking rehearing of the decision not to institute an *inter partes* review of U.S. Patent No. 5,764,571. The *inter partes* review trial practice guide provides that "[t]he Board envisions that, absent a need for additional briefing by an opponent, requests for rehearing will be decided approximately one month after receipt of the request." 77 Fed. Reg. 48768. As of the filing of this report, the Board has not requested MLC to file a response to Micron's rehearing request and Micron's request has not been decided.

On February 3, 2015, the parties filed a Stipulation and [Proposed] Order Regarding Briefing Schedule for the Claim Construction Hearing. Dkt. No. 30. Later that day, the Court granted Micron's motion to stay the case pending *inter partes* review. Dkt. No. 31. As a result of the stay, various deadlines and events on the Court's calendar were vacated. *See id.* at 5 ("Because this action is stayed, the case management conference scheduled for March 20, 2015, is VACATED."); February 4, 2015 Docket Text (vacating June 10, 2015 Tutorial and June 17, 2015 Claim Construction Hearing).

MLC's Position:

MLC requests that the Court reschedule the case management conference previously set for March 20, 2015.

~~Micron's Position:~~

ORDERED:

In view of the Board's pending Decision on Rehearing, Micron respectfully requests the Court extend the existing stay for at least one month to Friday, October 30, 2015, with a joint status report due Monday, October 26, 2015. Should the Board issue its decision before October 26, 2015, the parties would jointly report the decision within three business days thereafter.

Respectfully submitted,

Dated: September 25, 2015

FREITAS ANGELL & WEINBERG LLP

/s/Daniel J. Weinberg

Robert E. Freitas

Daniel J. Weinberg

FREITAS ANGELL & WEINBERG LLP

350 Marine Parkway, Suite 200

Redwood Shores, CA 94065

Telephone: (650) 593-6300

Facsimile: (650) 593-6301

Attorneys for Plaintiff

MLC INTELLECTUAL PROPERTY LLC

1 Dated: September 25, 2015

FISH & RICHARDSON P.C.

2 /s/Michael Headley

3 Michael Headley (SBN 220834)

4 FISH & RICHARDSON P.C.

500 Arguello Street, Suite 500

Redwood City, CA 94063

headley@fr.com

Telephone: (650) 839-5070

Facsimile: (650) 839-5071

7 Timothy W. Riffe (*Pro Hac Vice*)

8 Adam R. Shartzer (*Pro Hac Vice*)

FISH & RICHARDSON P.C.

9 1425 K. Street, N.W., 11th Floor

Washington, DC 20005

10 Telephone: (202) 783-5070

11 Facsimile: (202) 783-2331

12 Attorneys for Defendant

MICRON TECHNOLOGY, INC.

ATTESTATION

I, Daniel J. Weinberg, am the ECF User whose ID and password are being used to file this **JOINT REPORT REGARDING *INTER PARTES* REVIEW**. I attest that, pursuant to United States District Court, Northern District of California Civil L.R. 5-1(i)(3) and General Order 45, concurrence in the filing of this document has been obtained from Counsel for Defendant Micron Technology, Inc. I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 25, 2015

/s/Daniel J. Weinberg
Daniel J. Weinberg